



Response Under 37 CFR § 1.116  
Expedited Procedure - Group 2863

01272.007623.1

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: )  
HIROSHI YOSHINO ) Examiner: M. Nghiem  
Application No.: 09/699,387 ) Group Art Unit: 2863  
Filed: October 31, 2000 )  
For: INK JET APPARATUS AND )  
WASTE LIQUID )  
ABSORBING METHOD ) February 2, 2004

Mail Stop AF  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

RESPONSE TO FINAL REJECTION  
AND  
SUBMISSION OF TERMINAL DISCLAIMER

Sir:

In response to the Office Action dated March 10, 2003, the term for responding to which having been further extended (a Notice Of Appeal having been timely filed on September 10, 2003) to February 10, 2004 by the accompanying Petition For Extension Of Time, enclosed herewith is a Terminal Disclaimer, together with the statutory fee of \$110.00 required by 37 C.F.R. § 1.20(d).

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### REMARKS

This application has been carefully reviewed in light of the Office Action dated March 10, 2003. Claims 8 to 13 are pending in the application, with Claims 8 and 13 being the independent claims. Reconsideration and further examination are respectfully requested.

Claims 8 to 13 were rejected under the judicially-created doctrine of obviousness-type double patenting as being unpatentable over Claims 1, 8 to 10, 15 and 16 of U.S. Patent No. 6,155,666 (Sugimoto) in view of U.S. Patent No. 6,252,615 (Yoshino). Without addressing the merits of this rejection, or conceding the propriety of this rejection, Applicant respectfully submits that submission of the enclosed Terminal Disclaimer, which disclaims patent term with respect to the Sugimoto patent, renders moot the foregoing double patenting rejection. Accordingly, reconsideration and withdrawal of the double patenting rejection is respectfully requested.

No other matters being raised in the Office Action, Applicant respectfully submits that the application is in condition for allowance, and such action is respectfully requested at the Examiner's earliest convenience.

Applicant's undersigned attorney may be reached in our Costa Mesa, CA office at (714) 540-8700. All correspondence should continue to be directed to our below-listed address.

Respectfully submitted,



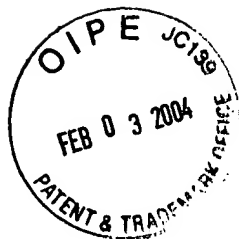
Attorney for Applicant

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PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	)	
	:	Examiner: M. Nghiem
HIROSHI YOSHINO	)	
	:	Group Art Unit: 2861
Application No.: 09/699,387	)	
	:	
Filed: October 31, 2000	)	
	:	
For: INK JET APPARATUS AND	)	
WASTE LIQUID ABSORBING	:	
METHOD	)	

Commissioner for Patents  
Washington, D.C. 20231

TERMINAL DISCLAIMER

Sir:

Your petitioner, Canon Kabushiki Kaisha, a corporation duly organized under the laws of Japan, having a principal office at 30-2, Shimomaruko 3-chome, Ohta-ku, Tokyo, Japan, and duly represented by the undersigned, represents that it is the assignee of the full title and interest in and to the above-identified Application No. 09/699,387, filed October 31, 2000, as evidenced by the deed of Assignment recorded on November 6, 1995 at Reel 7695, Frame 181.

Your petitioner hereby disclaims the terminal part of any patent granted on the above-identified application which would extend beyond the expiration date of the full statutory term of U.S. Patent No. 6,155,666, as presently shortened by any terminal disclaimer, and hereby agrees that any patent so granted on the above-identified application shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to U.S. Patent No. 6,155,666, this agreement to run with any patent granted on the above-identified application and to be binding upon the grantee, its successors or assigns.

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Your petitioner does not disclaim any terminal part of any patent granted on the above-identified application prior to the expiration date of the full statutory term of U.S. Patent No. 6,155,666, as presently shortened by any terminal disclaimer, in the event that subsequent hereto U.S. Patent No. 6,155,666 expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is the subject of any disclaimer under 37 C.F.R. 1.321(a), has all claims cancelled by a reexamination certificate or is otherwise terminated prior to the expiration of its statutory term as presently shortened by any terminal disclaimer, except for the separation of legal title stated above.

The undersigned (whose title is supplied below) is empowered to act on behalf of the assignee.

I hereby declare that all statements made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true; and further, that these statements are made with the knowledge that willful false statements, and the like so made, are punishable by fine or imprisonment, or both, under Section 1001, Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

By:   
Nobuyoshi Tanaka, Ph.D.  
Managing Director  
Group Executive  
Corporate Intellectual Property  
and Legal Headquarters  
Canon Inc.

Date: JAN 20 2004